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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,091	11/02/2005	Michael Held	WI 1957 PCT-US	9357
7590 Doughlas R. Hanscom Jones, Tullar and Cooper, P.C. P.O. Box 2266 Eads Station Arlington, VA 22202				
EXAMINER YAN, REN LUO				
ART UNIT		PAPER NUMBER		
2854				
MAIL DATE		DELIVERY MODE		
06/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/555,091

**Applicant(s)**

HELD ET AL.

**Examiner**

Ren L. Yan

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 28-54 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CIS)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 28-30, drawn to a wheel folding apparatus including stops on said transport cylinder and cooperating with said cutters on said cutting cylinders.

Group II, claim(s) 28, 29, 31, 35-39 and 51, drawn to a wheel folding apparatus including a signature leading end holding means adapted to shift said second signature in said transport direction after passage through said second cutting gap.

Group III, claim(s) 28, 32 and 33, drawn to a wheel folding apparatus including a cut performed in said first cutting gap and a cut performed in said second cutting gap are spaced by less than 10 mm.

Group IV, claim(s) 28 and 34, drawn to a wheel folding apparatus including said first and second counter cylinders are arranged on said transport cylinder offset in a circumferential direction of said transport cylinder.

Group V, claim(s) 28, 40 and 41, drawn to a wheel folding apparatus including at least one stop on each said counter cylinder and adapted to work with said at least one cutter on said transport cylinder.

Group VI, claim(s) 28, 40, 42 and 50, drawn to a wheel folding apparatus including said first transport track loops around said first counter cylinder at an entry to said first cutting gap.

Group VII, claim(s) 28 and 43-45, drawn to a wheel folding apparatus including said spur strip carries a plurality of spur needles and is supported for rotation by a shaft, said spur needles crossing a circumference of said transport cylinder at a location which is changeable in accordance with a pivot position of said spur strip.

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Group VIII, claim(s) 28, 43, 44 and 46, drawn to a wheel folding apparatus including said spur needle tips being located at a first distance from said shaft, said spur needle bases being located at a second distance from said shaft, said first distance being greater than said second distance.

Group IX, claims 28, 29, 31, 35-37 and 47, drawn to a wheel folding apparatus including said means for moving apart said cut edges include radially displaceable segments of said transport cylinder and control means for effecting a radially outward movement of said radially displaceable segments after passage through said second cutting gap.

Group X, claims 28, 29, 31, 35-37 and 48, drawn to a wheel folding apparatus including said means for moving apart said cut edges include a groove on said transport cylinder and a strip on said second cutting cylinder and adapted to cooperate with said groove.

Group XI, claim(s) 28, 43, 44 and 49, drawn to a wheel folding apparatus including at least one spur strip needle receiving groove on said first cutting cylinder.

Group XII, claim(s) 28 and 52, drawn to a wheel folding apparatus including said transport cylinder has at least five transport fields.

Group XIII, claim(s) 28 and 53, drawn to a wheel folding apparatus including a web inlet associated with each said cutting gap.

Group XIV, claims 28 and 54, draw to a wheel folding apparatus including said transport cylinder is a folding blade cylinder.

The inventions listed as Groups I-XIV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Independent claim 28 does not patentably define over the teachings of US patent No. 3,762,697 in view of US patent No. 5,692,440. Accordingly, each of the Groups presents a special technical feature(s) that is not shared by the other Groups.

Claim 28 link(s) inventions I-XIV. The restriction requirement among the linked inventions is **subject to** the nonallowance of the linking claim(s), claim 28. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance

with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ren L Yan/  
Primary Examiner, Art Unit 2854  
June 10, 2008